

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

VICTOR HERNANDEZ,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-11-0443-HE
	)	
H.A. LEDEZMA, Warden,	)	
	)	
Respondent.	)	


**ORDER**

Petitioner Victor Hernandez, a federal prisoner appearing *pro se*, filed for relief under 28 U.S.C. § 2241 seeking a writ of habeas corpus. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Doyle W. Argo. He has recommended the petition be denied. Objections to Judge Argo's Report and Recommendation were due by September 12, 2011.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Accordingly, the court **ADOPTS** Magistrate Judge Argo's Report and Recommendation [Doc. #12], **GRANTS** defendant's motion to dismiss [Doc. #10], and **DENIES** the petition for writ of habeas corpus [Doc. #1].

**IT IS SO ORDERED.**

Dated this 14th day of November, 2011.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE